

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The Patent Examiner states that the amendment of the instant claims filed on July 6, 2010, does not overcome the prior art, because claim 25 does not recite that the polymerisable group is added on the non-polar hydrocarbon chain of the lipid molecule. *Lestini* does not disclose a polymerizable group that is located on the lipid molecule of the lipid bilayer on the non-polar hydrocarbon chain of the hybrid particle and is additionally added. *Lestini* just discloses a modified lipid molecule which comprises a peptide that represents a polymerisable moiety in Figure 3.

Therefore claim 25 is being amended as follows in order to emphasize this difference over the prior art, and to recite the following:

Transport system for substances containing hybrid particles (2) comprising at least one layer of lipid molecules (3) and at least one via a spacer unit (4) bonded ligand, which ligand is a peptide (5), which has a specific sequence for selective transport purposes and the selectively transported liposome transports at least one micro-nutrient wherein at least one

polymerisable group (9) is incorporated in the non-polar hydrocarbon chain of the lipid molecule (3).

Support for the above mentioned amendment can be found on page 10 in the first paragraph and on page 11 last paragraph and Figure 2 of the originally filed application. The amendment is also suggested by the Office Action dated July 23, 2010 from the Patent Examiner.

The traversal of the Restriction Requirement and the Election Requirement is made on the grounds that the present invention has unity, because amended claim 25 is new and inventive in comparison to the possible prior art of *Lestini*.

Even though it is believed that the present invention has a unity of invention, the Selection (A) as well as the Election (B) filed with traverse on July 6, 2010 is still valid but has to be filed again. Group I claims 25 - 42 and 44, was selected with traverse and is to be further prosecuted. The Election of species (B) is made with traverse as follows:

- (1) Species of lipids: polymerisable lipids (claim 28)
- (2) Species of ligands: the oligopeptid sequence is complementary to the sequence of a receptor on a cell (claim 31)
- (3) Species of active substance: vitamins (claim 36)
- (4) Species of spacer unit: amino acids (claim 26)

(5) Species of polymerizable group: diacetylene lipids
(page 12, paragraph 12)

All of the other arguments for patentability and for unity of invention as set forth in the Amendment previously filed on July 6, 2010, are herewith incorporated by reference.

For all these reasons, it is respectfully requested that the Requirement for Selection of Inventions and for Election of Species under 35 U.S.C. 121 be withdrawn, and that an action on the merits of all the claims be rendered.

Respectfully submitted,
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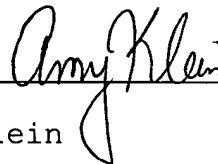


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